IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

WP(C).No. 26786 of 2003(L)

PETITIONER:

T.RADHAKRISHNAN S/O. CHATHU,
SHEEMA NILAYAM, MOODADI P.O., QUILANDY TALUK

BY ADV. SRI.K.MOHANA KANNAN
SMT.PRAVITHA A.R

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT (LOCAL ADMINISTRATION
DEPARTMENT), SECRETARIAT, THIRUVANANTHAPURAM

2. PERINTHALMANNA MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, MUNICIPAL OFFICE,
PERINTHALMANNA

3. THE MUNICIPAL COUNCIL,
PERINTHALMANNA MUNICIPALITY, PERINTHALMANNA,
REPRESENTED BY ITS CHAIRMAN.

BY ADV. SRI.P.K.VIJAYAMOHANAN
GOVERNMENT PLEADER SMT.K.R.DEEPA.
SMT.RESMI G. NAIR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.C.NO.26786 OF 2003

A P P E N D I X

Petitioners' Exhibits :

EXT.P1: TRUE COPY OF THE LICENCE ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P2: TRUE COPY OF THE CERTIFICATE NO.R4-290/02 DT. 4.4.2002 ISSUED BY THE SECOND RESPONDENT TO THE PETITIONER.

EXT.P3: TRUE COPY OF BILL DT. 20.2.2003 ISSUED BY THE TELECOM AUTHORITIES.

EXT.P4: TRUE COPYOF THE BILL DT. 20.7.2003 ISSUED BY THE TELECOM AUTHORITIES.

EXT.P5: TRUE COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT NO.R4-3947/2003 DT. 1.8.2003 TO THE PETITIONER.

EXT.P6: TRUE COPY OF THE REPRESENTATION DT. 5.8.2003 SUBMITTED BY THE PETITIONER BEFORE THE THIRD RESPONDENT.

EXT.P7: TRUE COPY OF THE NOTICE NO.R4-394/03 DT. 12.8.2003 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

TGS

KURIAN JOSEPH, J.

W.P.(C) No.26786 of 2003

Dated 10th January, 2007.

J U D G M E N T

Petitioner is aggrieved by Ext.P7 notice issued by the second respondent directing the petitioner to close down the STD booth conducted by him in a room allotted to the petitioner in the shopping complex of the Municipality. The stand of the Municipality is that the licence granted to the petitioner was only to run a textile shop and not the STD booth. According to the petitioner, being a shopping complex, the petitioner had also applied to the BSNL for permission to run STD booth along with the textile shop. One of the main grounds taken by the petitioner is that he was not given an opportunity before the Municipality while passing Ext.P7 order. Since admittedly the petitioner is an allottee of the room in the shopping complex, the petitioner prays that he may be given an opportunity to approach the Municipality for the licence to conduct STD booth also.

2. After having heard counsel on both sides, I am of the view that it is only in the interests of justice that the petitioner is given such an opportunity. The writ petition is hence disposed

of as follows :-

In the event of the petitioner making a fresh application for licence to conduct STD booth in the room allotted to the petitioner within two months from today, the same shall be considered by the second respondent with notice to the petitioner. Till orders are passed as above and subject to the petitioner approaching the second respondent within two months, the interim order dated 21.8.2003 will continue.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 10th January, 2007.